



PATENT: IN01157K

#7
Election
10/28/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

A. Saksena *et al*

Serial No.: 09/909,062

Filed: July 19, 2001

) Examiner: D. Wortman

) Group Art Unit: 1648

) Atty. Docket No.: IN01157K

RECEIVED

OCT 25 2002

TECH CENTER 1600/2900

For: NOVEL PEPTIDES AS NS3-SERINE PROTEASE INHIBITORS OF HEPATITIS C
VIRUSAssistant Commissioner for Patents & Trademarks
Washington, D.C. 20231**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

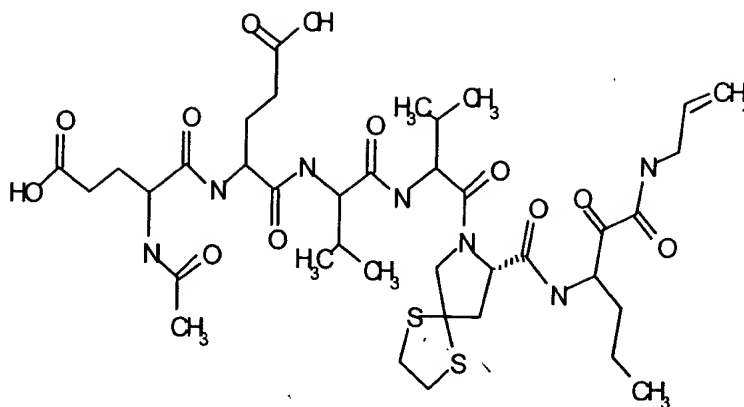
This communication is in response to the restriction requirement that the Examiner issued on October 2, 2002, in the above-identified patent application. Claims 1-54 are pending in the application, including the renumbering done by the Examiner, which Applicants sincerely appreciate. The Examiner restricted the claims into three major groups: Invention 1 (compound claims 1-33, 35, 40, 45, 46, 53 and 54), Invention 2 (pharmaceutical composition and method of treatment claims 34, 36-39, 41-44, 47 and 49), Invention 3 (claims 48, 50, 51 and 52). The Examiner advised Applicants to elect a Group as well as to elect a single compound to be examined and to identify claims reading thereon.

Applicants are puzzled by the numerous restrictions of the invention by the Examiner. and believe that claims 1-54 form part of one and the same invention, with the commonality of two generic structures (formula I and formula II). Applicant also believes that due to such commonality a complete examination of claims 1-54 would not cause undue burden. Applicants further believe that the same art search will most probably apply to all of the alleged separate inventions. Reconsideration and withdrawal of the restriction requirement are, therefore, respectfully requested.

However, for the sake of facilitation of prosecution and, in order to comply with the Examiner's requirement, Applicants elect the claims that the Examiner has identified as belonging to Group 1 with traverse.

Additionally, Applicant elects the following specific compound belonging to the elected Group, with traverse:

BEST AVAILABLE COPY



p. 183
Spec

The above-noted compound is in new claim 40, bottom of page 174. Applicants believe that the new compound claims 1-32, 40 and 53-54, the pharmaceutical composition claims 33-35 comprising the above-shown compound, the method claims 36-37 and 39 comprising the above-shown compound, and the use claim 38 comprising the above-shown compound are readable on the above-shown compound.

If the Examiner has questions, the Examiner is invited to contact the undersigned.

Respectfully submitted,

Dr. Palaiyur S. Kalyanaraman
Registration No. 34,634
Attorney for Applicants
Tel: 908-298-5068
Fax: 908-298-5388

I hereby certify that this correspondence is being deposited with the U.S. Postal Service First Class Mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on October 14, 2002.

10/14/02

Palaiyur S. Kalyanaraman
Registered Representative

BEST AVAILABLE COPY